

Message Text

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PAGE 01 MADRID 06833 081510Z

46

ACTION EUR-12

INFO OCT-01 ISO-00 L-03 SAM-01 CIAE-00 PM-04 INR-07

ACDA-07 NSAE-00 PA-01 SS-15 PRS-01 SP-02 USIA-06

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E.O. 11652: N/A

TAGS: PFOR, MARR, SP

SUBJ: TREATY OF FRIENDSHIP AND COOPERATION--INSTRUMENTS OF RATIFICATION

REF: STATE 213347; MADRID 6714

1. SPANISH FOREIGN MINISTRY LEGAL EXPERTS NOW INCLINE STRONGLY TO PREPARATION OF A SINGLE SPANISH INSTRUMENT OF RATIFICATION COVERING THE TREATY AND ALL, REPEAT ALL COMPLEMENTARY TEXTS, RATHER THAN TOWARD THE SOLUTION EARLIER FAVORED BY THEM OF TWO SPANISH INSTRUMENTS, ONE FOR EXCHANGE WITH THE UNITED STATES COVERING THOSE AGREEMENTS TREATED BY THE U.S. AS PART OF THE TREATY AND SEPARATE INTERNAL SPANISH INSTRUMENT COVERING ALL THE RELATED AGREEMENTS PLUS THE TREATY. WE UNDERSTAND THAT THIS CHANGE IS BASED ON A DESIRE TO MAKE SURE THAT THERE IS NO QUESTION IN SPAIN THAT ALL PARTS OF THE AGREEMENT HAVE THE SAME FORCE OF LAW.

2. THUS, THE FOREIGN MINISTRY NOW PROPOSES THAT WE, FOR OUR PART, PROVIDE THEM, TOGETHER WITH THE U.S. INSTRUMENT OF RATIFICATION WITH A NOTE VERBAL EXPLAINING THAT THOSE TEXTS NOT SUBMITTED FOR ADVICE AND CONSENT OF THE SENATE AND WHICH
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PAGE 02 MADRID 06833 081510Z

THEREFORE DO NOT FIGURE IN THE U.S. INSTRUMENT OF RATIFICATION

ARE BEING TREATED BY THE UNITED STATES GOVT AS EXECUTIVE AGREEMENTS WHICH WILL ENTER INTO FORCE ON THE SAME DATE AS THOSE AGREEMENTS COVERED BY THE INSTRUMENT OF RATIFICATION ITSELF.

3. ACTION REQUESTED: WE WOULD APPRECIATE RECEIVING AN EARLY RESPONSE AND, SHOULD THE DEPT DESIRE TO PROVIDE IT, A DRAFT TEXT FOR THE NOTE VERBAL.

4. THE FOREIGN MINISTRY ALSO INFORMS US THAT THE SPANISH INSTRUMENT OF RATIFICATION WILL INCLUDE THE FOLLOWING LANGUAGE: "OIDA LA COMISION DE ASUNTOS EXTERIORES DE LAS CORTES ESPANOLAS, EN CUPLIMIENTO DE LO PREVENIDO EN EL ARTICULO 14 DE SU LEY CONSTITUTIVA, QUE FORMULO LA MOCION CUYO TEXTO SE ADJUNTA,..." (INFORMAL TRANSLATION: "HAVING HEARD THE FOREIGN AFFAIRS COMMISSION OF THE SPANISH CORTES, IN FULFILLMENT OF THE PROVISION OF ARTICLE 14 OF ITS ORGANIC LAW, WHICH FORMULATED THE MOTION THE TEXT OF WHICH IS ANNEXED...") THIS TEXT CLOSELY PARALLELS THAT OF THE U.S. INSTRUMENT.
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